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FILED
DISTRICT COURT OF GUAM

MAR - ³ 2006 *JP*

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO.05-00053-001
)	
Plaintiff,)	
)	
vs.)	
)	DEFENDANT CHRISTOPHER
)	ESPINOSA'S MOTION TO
CHRISTOPHER M. ESPINOSA,)	CONTINUE TRIAL SEVEN (7)
)	DAYS
Defendant.)	
_____)	

Defendant Christopher Espinosa hereby moves this Court for an order continuing the trial date in the above matter for a period of seven (7) days. Trial is currently set to begin on Tuesday, March 7, 2006. There are two reason for this motion.

(1) Counsel for the defendant is in a civil jury trial in the Superior Court of Guam, captioned *RCS, Inc. et al. v. Shell Guam, Inc.*, Civil Case Nos. CV1449-99 and 1548-99. The trial has lasted four weeks. Closing arguments were scheduled for today, March 3. Due to an unexpected development in the case, closing arguments were postponed and the Court spent the day with counsel revising jury instructions and discussing legal issues resulting from a Rule 50 decision by the Court issued on March 3. Because of this unforeseen delay, the Superior Court set

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closing arguments for 9:30 a.m. on Tuesday, March 7, 2006.¹ This conflicts with the starting time of the trial in this matter. This conflict is entirely unexpected; the trial was only supposed to last two weeks. Even when it ran long, it appeared that the case would easily be finished by March 3, and in fact counsel for the parties were prepared to give closing arguments on March 3.

Given the rescheduling of closing arguments, counsel must attend to the Superior Court matter on the morning of the 7th. Counsel could be ready for jury selection in this matter promptly following closing arguments in the Superior Court trial, but for the reasons set forth in the next paragraph, requests a continuance of seven (7) days.

(2) The second reason for the requested continuance is that the Government filed a Third Superseding Indictment on March 1, 2006, which was not served on defendant's counsel until March 2 (three business days before the trial). The third superseding indictment adds two new counts of money laundering conspiracy against Espinosa, and newly alleges a money laundering link between Espinosa and co-defendant Elm. On March 2, the government produced an additional 350+ pages of discovery materials. Further, just as this motion was being finalized, the U.S. Attorney's Office indicated, at 4:30 Friday evening, March 3, that the Government would be sending defense counsel "a big package" of additional discovery.


¹ Closing arguments could not be set for Monday, March 6, because the defendant's counsel is required to be on the island of Saipan on March 6 for a hearing in U.S. District Court in the matter of *Rosario DLG Kumagai v. Pamela Brown, aka Pamela Brown Blackburn, personally and in her official capacity as the Attorney General for the Commonwealth of the Northern Mariana Islands, et al.*, District Court for the Northern Mariana Islands Civil Action No. 05-0037. The hearing date in *Kumagai*, which is a multi-party civil action, was set on the 6th to accommodate the March 7th trial in the *Espinosa* matter.

The filing of two new charges, together with the service of several hundred pages of documents just three business days before the start of trial, and an unspecified “big package” of documents late on Friday afternoon, two business days before trial, places an unreasonable burden on the defendant and his counsel and denies them the time reasonably necessary for the effective preparation of defendant’s case.

Wherefore, defendant requests a seven day continuance of the trial in this matter.

Respectfully submitted this 25th day of March, 2006.

CIVILLE & TANG, PLLC

By 
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